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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,885	03/18/2004	Hubert Bellm	1140668-0061	8199

65989 7590 01/04/2008

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NEW YORK, NY 10036-4003

EXAMINER	
KASENGE, CHARLES R	

ART UNIT	PAPER NUMBER
2125	

NOTIFICATION DATE	DELIVERY MODE
01/04/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomailnyc@kslaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/804,885	BELLM ET AL.	
	Examiner	Art Unit	
	Charles R. Kasenge	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-23,25-31,33,34 and 36-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-23,25-31,33,34 and 36-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/3/07 have been fully considered but they are not persuasive. The Office reasserts that Hata U.S. Patent 5,411,686 discloses a method that acquires, using a control (Fig. 4, #31, 33 and 34), actual values of a process variable and the method transmits those actual values to a computer system (Fig. 4, #31) for monitoring the control (col. 9, lines 5-25). The Examiner defines Hata's computer system (Fig. 4, #31) as a subset of the greater control system, since the computer system as defined by Hata provides for control functionality. Hata states, "the computer system 31 is used in order to execute various arithmetic processing, **control processing** and the like, described later (col. 9, lines 23-25)." The Examiner reasserts that measured temperatures are actual values (col. 9, lines 5-15; col. 13, lines 37-44; col. 14, lines 34-41). Therefore, in light of the aforementioned arguments, Hata does disclose the calculation of a setpoint value based on evaluated transmitted actual values (col. 15, lines 3-63). Hata states, "The resin temperature Tr... and the coolant temperature Tw are measured based upon the output signals from the temperature sensors (col. 13, lines 37-44)." Hata's target temperature is the Applicant's calculated setpoint value and Hata's measured temperature Tr, (an actual value) is directly used to calculate the target temperature (col. 15, lines 40-45).

Regarding claims 12 and 13, the Examiner interprets the inputting of values by a technician (col. 14, lines 20-26) and the receiving of values output to an operator (col. 13, lines 31-37) as virtually in parallel of the monitoring process. The receiving of inputted values and the sending of outputted values is part of the collective monitoring process. The inputting and

outputting of these values is virtually in parallel, or at the same time, as the collective monitoring process.

Regarding claims 14 and 15, the Examiner interprets that Hata discloses having non-real-time capabilities (col. 14, lines 20-26). When Hata's arithmetic operations are performed by the computer system it is executed in real-time and when the arithmetic operations are performed by the technician the computer's operating system is exhibiting non-real-time capabilities.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11-23, 25-31, 33, 34 and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Hata U.S. Patent 5,411,686. Regarding claims 11, 25, 29-31, 34 and 36-39, Hata discloses a method for monitoring a control for an injection-molding process, the method comprising the steps of: (a) acquiring, using the control, actual values of at least one process variable of the injection-molding process, the actual values of the at least one process variable comprising at least one selected from the group consisting of temperature, pressure, feed rate, and rotational speed (col. 3, lines 20-28); and (b) transmitting the actual values of the at least one process variable to a computer for monitoring the control (col. 9, lines 5-15; col. 13, lines 37-44); (c) evaluating the transmitted actual values (col. 14, lines 34-55), (d) determining based on the evaluated transmitted actual values, at least one setpoint value comprising at least one selected

from the group consisting of temperature variations, pressure variations, feed rate variations, and rotational speed variations (col. 3, lines 30-34; col. 9, lines 23-25; col. 15, liens 3-63), and (e) transmitting the at least one setpoint value to the control wherein monitoring the control (col. 3, lines 34-38; col. 15-16, lines 63-3), evaluating the transmitted actual values and determining the at least one setpoint value are performed by the computer (col. 9, lines 5-25; col. 15-16, lines 63-3; col. 18-19, lines 67-17).

Regarding 12, 18, 20, 21 and 26, Hata discloses the method according to claim 10, further comprising the step of receiving at the computer at least one input from an operator and sending the received at least one input to the control virtually in parallel with the execution of the monitoring of the injection-molding process (col. 14, lines 20-26).

Regarding claims 13, 27, and 33, Hata discloses the method according to claim 10, further comprising the step of receiving at the computer at least one output from the control and sending the received at least one output to an operator virtually in parallel with the execution of the monitoring of an injection-molding process (col. 13, lines 20-37; col. 14-15, lines 64-2).

Regarding claims 14, 15 and 22, Hata discloses the method according to claim 12, wherein receiving and sending the at least one input is executed by the computer under an operating system comprising non-real-time capabilities (col. 14, lines 20-26). Hata discloses the method according to claim 13, wherein receiving and sending the at least one output is executed by the computer under an operating system comprising non-real-time capabilities (col. 13, lines 20-37).

Regarding claims 16, 19, 23 and 28, Hata discloses the method according to claim 10, wherein the control comprises a software process, the software process executed by the computer

under an operating system comprising real-time capability, the software process executing virtually in parallel with transmitting the actual values acquired by the control to the computer for monitoring (col. 18-19, lines 67-17).

Regarding claim 17, Hata discloses the method according to claim 10, wherein the monitoring is carried out using a computer program, the computer program executed on the computer (col. 9, lines 5-25).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK
December 7, 2007

LEO PICARD
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